IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.09.2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

Writ Petition No.31765 of 2006

R.Jabar Sathick .. Petitioner

vs.

1. Director of Elementary Education
   College Road, Chennai - 600 006

2. Chief Educational Officer
   Perambalur

3. District Collector
   Perambalur District
   Perambalur

4. District Employment Officer
   Perambalur District

5. District Elementary Education Officer
   Perambalur

6. Superintendent of Police
   District Police Office
   Perambalur .. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the third respondent herein to consider and pass appropriate orders on merits, in accordance with law on the petitioner's representation dated 28.8.2006 regarding exclusion of persons those who have already been appointed and working as Secondary Grade Teacher, in time-scale of pay in Government aided and private schools from attending the selection for appointment to the post of Secondary Grade Teacher in all ensuing selections, within a time-frame.

For petitioner : Mr.G.Bala
For respondent : Mr.P.Gopiraja
Government Advocate

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O R D E R

The petitioner, who qualified for the post of the Secondary Grade Teacher for which the counseling is scheduled between 6.9.2006 and 8.9.2006, has filed the present writ petition for a direction against the third respondent, District Collector, Perambalur to consider the representation of the petitioner dated 28.8.2006 and exclude the persons, who have already been appointed as Secondary Grade Teacher in time-scale of pay in Government aided and private schools and without cancelling the registration in the employment exchange, they are attending the counseling.

2. The case of the petitioner is that in the same District many persons, who are already appointed in the Government aided School as well as Private Institutions and receiving salary from the Government in time-scale of pay, are also attending the counseling for fresh appointment without canceling the employment exchange registration. If the said allegation made by the petitioner is true, it is certainly a fraud on public being committed, the respondents are liable to investigate and take suitable action.

3. I have heard the learned counsel for the petitioner and the learned Government Advocate taking notice of the respondents.

4. In view of the submissions made in the writ petition and also the submissions made by the learned counsel for the petitioner, which are of serious repercussions, I am of the considered view that the third respondent should conduct proper investigation based on the representation of the petitioner dated 28.8.2006 and find out as to whether the persons, who have already got employment as Secondary Grade Teachers in time-scale of pay in Government aided and private schools, are again appearing for counselling without canceling the registration in the employment exchange. Such action shall be taken by the third respondent forthwith in accordance with the representation made by the petitioner by conducting a proper investigation and only after ensuring that such candidates are not allowed to participate in the counseling, the third respondent shall proceed to direct the authorities concerned to issue appointments.

5. The writ petition is disposed of in the above terms. No costs. Consequently, connected M.P.No.1 of 2006 is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

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5. District Elementary Education Officer
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6. Superintendent of Police
   District Police Office
   Perambalur

1 cc to M/s. G. Bala Daisy, Advocate, Sr. 41191
1 cc to Government Pleader, Sr. 41344

W.P.No.31765 of 2006

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